



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004192
Applicant Name: Fu Chang with Odelia Pacific Corporation
Address of Proposal: 3418 Northeast 65th Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to expand an existing minor communication utility (Cingular Wireless) by replacing three antennas and adding six new panel antennas for a total of nine panel antennas on the roof of an existing apartment building. Four new equipment cabinets will be located in ground floor equipment room. Existing minor communication utilities to remain.

The following approval is required:

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) 25.05.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is situated on the northwesterly corner of the intersection of Northeast 65th Street and 35th Avenue Northeast, in the Ravenna area of northeast Seattle. The property contains a total area of approximately 13,310 square feet. The parcel and existing building are within a split zone district: the north half of the property is in the Lowrise 2 (L-2) zone and the south half of the property is in the Neighborhood Commercial (NC1-30') zone. Development on the site consists of a three (3) story mixed use administrative office/apartment building with a partially below grade basement garage. The northern portion of the building located in the L-2 zone is an overall height of 30' measured from existing grade to the roof parapet and the southern portion of the building, located in the NC1-30' zone, is an overall height of 37'7" measured from existing grade to the top of the pitched roof.

Currently, Cingular Wireless, T-Mobile and Sprint PCS have minor communication utilities on this site. DPD issued a Master Use Permit (MUP) (#711544) to Cingular Wireless to establish a minor communication utility and install eight (8) panel antennas on the roof. Another MUP (#732322) was issued to T-Mobile to establish a minor communication utility for the installation of three (3) rooftop panel antennas. DPD also granted Sprint PCS a MUP (#745360) to establish a minor communication utility for the installation of six (6) panel antennas. All providers have situated their antennas entirely on that portion of the building that is within the NC1-30' zone. Sprint PCS is the only provider that has radio equipment located in that portion of the building that is located in the L-2 zone.

Surrounding Zoning and Uses

South: Apartments, NC1-30' zone;

North: Mix of Residential and Commercial Structures, L-2 zone;

East: Mix of Residential and Commercial Structures, NC1-30' zone;

West: Artist Studio and Church, L-2 and NC1-30' zones.

Proposal Description

The proposed project consists of the expansion of a minor communication facility for Cingular Wireless. The facility will consist of three (3) sector antenna arrays ("1", "2" and "3") with the replacement of (1) antenna per sector (three (3) panels total) and the addition of two (2) antennas per sector (six (6) panels total) all projecting 12.25' above the roof of an existing mixed use building. Each antenna array will be enclosed within a fiberglass shroud designed to resemble a vent stack and attached to the roof decking located within the portion of the site zoned NC1-30'. All associated cabling will be located in cable trays affixed atop the roof and within an existing metal shroud mounted against the west exterior wall also located in the NC1-30' zone and routed to the associated radio equipment. The proposed four (4) radio transmitter equipment cabinets will be located within an existing equipment room located in the first floor parking garage area. The antennas, cabling tray, metal shroud and fiberglass shroud will be painted and constructed to match the appearance of the building.

Public Comments

The public comment period for this project ended March 22, 2006. DPD received no written comment letters regarding this proposal.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated February 7, 2006. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as

discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and alteration of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

Environmental Health

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: April 6, 2006
Tamara Garrett, Land Use Planner
Department of Planning and Development